



## THE WILDERNESS SOCIETY

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May 21, 2004

Docket Management System  
Docket No. FAA 2004-17459  
U.S. Department of Transportation  
Room Plaza 401, 400 Seventh St., SW  
Washington, D.C. 20590-0001

**Re: Scoping comments for the Environmental Assessments on the Air Tour Management Plans for Mount Rushmore National Memorial.**

The Wilderness Society (TWS), representing over 200,000 Americans nation-wide, is a not-for profit public interest membership organization headquartered in Washington, D.C. with eight regional offices. Founded in 1935, the Society and its members work to protect America's wilderness and to develop a nationwide network of wild lands through public education, scientific analysis, and advocacy. Our goal is to ensure that future generations enjoy the clean air and water, beauty, wildlife, and opportunities for recreation and spiritual renewal provided by the nation's pristine forests, rivers, deserts, and mountains. TWS has a long history of involvement and commitment to the protection and management of National Park System and the Wilderness within it. We appreciate this opportunity to submit our comments on the Notice of Intent to Prepare Environmental Assessments and Notice of Initiation of Public Scoping for Mount Rushmore National Memorial (NM).

TWS is concerned about the protection and preservation of natural sound in our National Parks and the Wilderness within these parks. Natural sound is a resource, a value to be appreciated. Our ability to hear undisturbed the sounds of nature is a resource that we must protect from impairment. There should be places where silence mingles with the whisper of the wind and one can reflect in solitude. Our National Parks are, in fact, such places.

Commercial air tours over Mount Rushmore NM and vicinity require careful scrutiny of their impact on the wilderness character, cultural history and natural resources of the adjacent national forest. Mount Rushmore is nestled in the magnificent setting of the Black Hills National Forest (NF) which provides an impressive backdrop for this granite testimonial. Within the heart of Black Hills NF is the Black Elk Wilderness. It lies directly east of Mount Rushmore and shares a common boundary. Native Americans have long held this region sacred. The Wilderness was in fact named for an Oglala Sioux holy man. The Norbeck Wildlife Preserve is found within in the Wilderness. It was established by Congress to protect

the region's deer, elk, and birds. Therefore, to protect the natural and cultural resources, wildlife, wilderness and visitor experience of the region, the ATMP must address the impacts of air tours on the adjacent wilderness and wildlife preserve. The process of authorizing commercial air tours over some of our National Parks should not result in the degradation of other Federal resources. TWS believe the process of developing this ATMP should follow a precautionary principle – cautious and protective decisions should be made in the absence of specific knowledge of impacts. The precautionary principle would only permit increased air tours if the data allows such an expansion of use while simultaneously preventing impairment and allowing visitor access to natural sound and opportunities for solitude.

### **Insufficient Scoping Information**

Unfortunately, the information provided in the scoping documents for this park is insufficient for the public to provide substantive, informed comments. The following information should be collected and verified to guarantee its accuracy:

- Company name of tour operator
- Number of flights
- Elevation of flights
- Times of flights
- Specific flight routes

### **NPS' Mandate to Conserve Resources is Primary**

The FAA must defer to the expertise of the NPS staff when determining commercial air tour impacts on national park visitors, resources, and values. This is because the National Parks Service's (NPS) mission is to protect parks and guarantee that visitor experience of the parks. Furthermore, for 88 years NPS has been mandated by the Organic Act, 16 U.S.C.1:

"...to promote and regulate the use of the...national parks...which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

Additionally, NPS Management Policies 2001 [1.4.6] states that:

"The park resources and values that are subject to the non-impairment standard include: The park's scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes, **natural soundscapes** and smells; water and air resources; soils, geological resources, paleontological resources; archeological resources; cultural landscapes; ethnographic resources, historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals.."

Furthermore, Director's Order 47 articulates NPS' operational policies regarding the preservation of sound and the management of noise. The FAA and NPS were defined as cooperating agencies in the

development of ATMPs by the NPATMA. Therefore, FAA would fail to meet its obligation under the Act if it does not respect the congressional-mandates to which the NPS must adhere.

### **Recommendations for Mount Rushmore NM ATMP**

Flight numbers over Mount Rushmore NM must be set at levels that will prevent impairment of the memorial and natural and cultural resources.

***Cap on Air Tours at Current Level*** - Until the data recommended to be collected above has been analyzed, natural quiet standards identified, and an ATMP finalized based on this information, air tour flights should be capped at their current level. This cap is precautionary in nature and decisions related to the volume of commercial flights should not be made in the absence of data.

***Restored Quiet*** - Since the park was established to provide an opportunity for a contemplative experience, it essential that natural quiet should be restored to this park for at least 75 percent of every day. A curfew should be imposed to ban flights for at least two hours after sunrise and for two hours before sunset each day. These are the prime viewing hours at day's beginning and end when park visitors should be allowed to experience the park's quiet majesty.

***Wilderness*** – Mount Rushmore NM had no designated wilderness. Instead it directly abuts the Black Elk Wilderness Area of the Black Hills National Monument. The Wilderness Society firmly believes that commercial air tours should not result in the degradation of wilderness character of other Federal lands. We believe there should be absolutely no commercial air tours over Wilderness as the Wilderness Act clearly describes wilderness as...

“A wilderness, in contrast with those areas where man and his works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, ... an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitations, which is protected and managed so as to preserve its natural conditions and which generally appears to have been affected primarily by the forces of nature, with the imprint of mans work substantially unnoticeable; has outstanding opportunities for solitude or primitive and unconfined type of recreation...”  
(P.L.88-577).

Clearly, commercial air tours pose a significant impact to primeval character, solitude and primitive recreation. The Act prohibits certain activities to protect the character of land such as commercial enterprise, roads, use of motor vehicles, motorized equipment, mechanical transport, structures, or installations. Hence commercial air tours over wilderness violate the very concept of wilderness itself and should be prohibited in the ATMPs.

Solitude is an intrinsic component of wilderness. The ability to avoid the sights, sounds and evidence of human action is critical to such an experience. It is the absence of distractions where a state of mind can emerge that is conducive to deep reflection and renewal. Natural quiet is essential to a wilderness experience.

***Culturally-Sensitive Sites*** - There should be absolutely no commercial air tours over culturally-sensitive areas. There are many places sacred to indigenous people that are found in our national parks. Those places should be protected from intrusion by commercial air tours. Often critical to their experience is the undistorted sound of nature as well as culturally-created sounds that are part of traditional worship in these landscapes. The play between nature and those that have traditionally worshiped in it should not be spoiled.

### **Deficient Proposed Action Description**

The proposed federal action described in the scoping document is the development of an ATMP. This action is too vague to prevent impairment of park resources or develop viable alternatives. The action needs to specifically describe the goal or intended result in the air over these parks. Only when the public knows what the situation is in the park and what the ultimate management objective for sound is in the park can serious feedback be provided. As stated above, TWS believes the federal action of regulating air space over Lake Mead NRA and Grand Canyon-Parashant is significant and requires an EIS.

Once a natural quiet standard has been developed for these areas and the sound management objective has been outlined, an adaptive management scheme for reaching the goals should be developed. A goal of restored natural quiet outlined in such a scheme will require an iterative phase of monitoring and adjustments to guarantee its success.

### **Deficient Alternatives**

The alternatives outlined in the draft ATMP are deficient because a reasonable range of alternatives has not been outlined. NEPA requires a rigorous exploration and objective evaluation of all reasonable alternatives. Fundamentally, no specific action has been proposed in the scoping document. Therefore the alternatives proposed do not address an action. Basically, one alternative has been offered and that is one of mitigation. Two other alternatives: no action and no prohibitions, conditions, restrictions or limitations are essentially the same. Hence the mitigation alternative appears to be aimed at mitigating the status quo as opposed to providing a clear outline of alternatives that will protect the natural sound, natural resources and visitor experience. This is not acceptable and reflects the absence of substantive information and knowledge on sound and commercial air tours in these parks.

The information requested above regarding air tours, sound, natural resources and visitor use is necessary to fully propose alternatives for this ATMP. Alternatives should be designed that outline plans to implement the natural quiet standards of Mount Rushmore NM by providing flight corridors, time and elevation restrictions, no-fly zones, prohibitions and other methods of control where necessary.

Thank you for the opportunity to comment on this significant federal action.

Sincerely,

Susan H. Gunn, Ph.D.  
Director National Parks Program